

SENTENCING MINUTES

Date: 04/01/2022

Judge: T.S. ELLIS III
Reporter: R. Stonestreet
Time: 08:04 a.m. – 09:34 a.m.
09:50 a.m. – 10:56 a.m.
(02:36)
Case Number: 1:20-cr-00143-TSE-1

UNITED STATES OF AMERICA

Counsel/Govt: William Clayman, Jay Prabhu
Seth Schlessinger, Annie Zanolini

v.

ZACKARY ELLIS SANDERS

Counsel/Deft: Nina Ginsberg, Christopher Amolsch

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- Gov't argues for a substantial g/l sentence with lifetime SR.
 - Defense objects to Paragraphs 8 – 57, 60 – 62, the PO's application of the 4-level enhancement pursuant to USSG §2G2.1(b)(4)(A), 2-level enhancement pursuant to USSG §2G2.1(b)(6)(B) and the 5-level enhancement pursuant to USSG §4B1.5(b)(1) and request designation at FCI Butner-Low in North Carolina.

Defense objections to paragraphs 60-62 in the PSR -overruled. Defendant's objection to the PSR calculation, pursuant to USSG §2G2.1(b)(4)(A) -overruled; (2) objection to the PSR calculation, pursuant to USSG §2G2.1(b)(6)(B) -overruled; (3) objection to the PSR calculation, pursuant to USSG §4B1.5(b)(1) -overruled. COURT adopts the PSR with a change directing the PO to add to the PSR that the defendant denies the actions mentioned in paragraphs 23, 24, 42, 45, 51, and 55 as this information was retrieved either from an FBI Agent or another law enforcement agent outside of the United States.

- Awards, letters from relatives and physicians submitted to the Court by the defendant to be made part of the PSR. The Court permits MV1's mother to speak.

JUDGMENT OF THE COURT:

- BOP Total for 216 months w/CFTS (216 mos. on each of cts. 1 – 11 -concurrent; 120 mos on ct. 12 -concurrent with cts. 1-11
- Supervised Release Total for LIFETIME TERM, (Lifetime term on cts. 1-5; 5 yrs. on each of cts. 6-12 -concurrent w/cts. 1-5 with special conditions
- Restitution of \$6,000 due immediately/ monthly installments of \$100 to begin w/in 60 days of release from custody; Interest waived. Parties to submit agreed upon Restitution Order.
- Special Assessment under 18 U.S.C. §3014 \$60,000 based on future earnings ability with penalty and interest waived.
- Court finds defendant indigent and imposes a zero amount on Special Assessment under 18 U.S.C. §2259A(a)(3).
- Special Assessment \$1200 (\$100 on each count)
- Forfeiture to be determined at a later date. Defense to file brief by April 8, 2022 and government will have until April 15, 2022 to file a response. Court to rule on the papers if oral arguments is not needed.
- Defendant orally noted appeal.
- Defense to submit financial information to the PO.

RECOMMENDATIONS to BOP:

X Court recommends deft: be housed at ADC and not be removed until BOP designates a specific facility where the deft's will be transported directly to serve his sentence. The Court further notes that the deft hired an expert who recommended deft be designated to FCI Butner, Low in NC.
_____ Dft. designated to facility to participate in ICC (Boot Camp) type program

_____ Dft. to participate in the Residential Drug Abuse Treatment Program (RDAP)
X Other: The Court furthermore recommends that the defendant's medication, Kesimpta, be administered as prescribed by the deft's doctors.

Deft: (X) Remanded () Cont'd on Bond to Self-Surrender () Referred to USPO () Immediate Deportation